

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF NORTH CAROLINA**

FARHAD AZIMA,

Plaintiff,

v.

NICHOLAS DEL ROSSO and VITAL  
MANAGEMENT SERVICES, INC.,

Defendants.

No. 1:20-cv-00954-WO-JLW

**NON-PARTY DECHERT LLP'S MOTION FOR LEAVE TO FILE AND MOTION  
TO QUASH SECOND SUBPOENA SERVED ON DECHERT LLP'S BANK, HSBC**

Non-Party Dechert LLP regrets being forced to file yet another discovery motion following the Court's directive indicating that the parties avoid creating the need for such motion practice. D.E. 229. But Plaintiff continues to force Dechert's hand. To meet its responsibilities pending the Court's guidance, Dechert is compelled to seek leave and move to quash yet another subpoena issued by Plaintiff.

Yesterday, Dechert LLP filed a motion for leave to file a motion to quash Plaintiff's subpoena to HSBC, for the limited purpose of ensuring that any production of the law firm's bank records will be consistent with the Court's forthcoming guidance on the threshold issue of the proper scope of discovery. D.E. 238. Less than four business hours later, Plaintiff noticed a second subpoena to HSBC seeking the same Dechert bank transactions dating back to 2014. *Compare* D.E. 238-1 (the "First HSBC Subpoena") *with* Ex. 1 (the "Second HSBC Subpoena"). Because it seeks the same information concerning

Dechert financial transactions undertaken in the course of client engagements as the First HSBC Subpoena, the Second HSBC Subpoena is equally objectionable and should be quashed for the same reasons. *See* D.E. 238.

The only difference between the First and Second HSBC Subpoenas is a new request for correspondence, if any, among counsel for HSBC, Defendants, and Dechert, relating to the First HSBC Subpoena. Ex. 1. This new request is irrelevant to the case and raises similar issues of privilege and confidentiality.

WHEREFORE, Dechert respectfully requests that the Court (i) grant leave for Dechert to file the instant motion and (ii) quash the Second HSBC Subpoena until such time as and to the extent that it exceeds the Court's forthcoming rulings on the pending threshold matters concerning the proper scope of discovery.

Respectfully submitted this the 9th day of June, 2023.

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## WORD COUNT CERTIFICATION

Pursuant to Local Rule 7.3(d)(1), I hereby certify that this brief contains 319 words, according to the word count feature of the word processing system used to prepare the brief, and does not exceed the 6,250-word limitation for such briefs.

Respectfully submitted this the 9th day of June, 2023.

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